

**Federal Personnel Manual System**

FPM Letter 213-36

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of incorporation in FPM  
chapter 213**RETAIN UNTIL SUPERSEDED****SUBJECT:** Termination of Schedule B Appointing Authority  
for Contracting Positions, GS-1102-5/7Washington, D. C. 20415  
May 30, 1986

Heads of Departments and Independent Establishments:

1. On May 23, 1986, OPM will implement an alternative competitive examining procedure for the contracting occupation, GS-1102, under the decree in Luevano v. Horner by establishing a competitive register under the new examination for GS-5 and GS-7 entry level positions. On that same date, the GS-1102 series will be removed from coverage under the Schedule B PAC authority [5 CFR 213.3202(1)], the existing alternative examining procedure implemented under the decree, and all outstanding authorities to fill contracting positions by Schedule B PAC appointments will terminate. All appointments to GS-1102-5/7 positions that will be effective on or after May 23, 1986, must be made under an appropriate competitive service appointing authority.

2. Establishment of the alternative competitive examination for GS-5/7 contracting positions brings those positions into the competitive service pursuant to 5 CFR 316.702. Schedule B appointees occupying GS-1102-5/7 positions on May 23, 1986, may be retained in their positions. Retained employees will receive full credit for their Schedule B service in determining their service computation dates. They will receive credit toward completion of probation for Schedule B service in the same agency and line of work (not necessarily at the same grade) immediately preceding May 23, 1986. However, their status and tenure will be determined as follows:

3. Employees with personal competitive status. Any retained incumbents who attained competitive status during a previous competitive appointment will be reinstated to career or career-conditional appointments effective May 23, 1986. If they have had no break in service longer than 30 days, their creditable service toward career tenure will begin with the date of their previous career-conditional appointments, and their Schedule B employment will be credited as intervening service in determining their eligibility for career tenure. If there has been a break in service longer than 30 days, their creditable service toward career tenure will begin with their Schedule B appointments.

4. Other retained incumbents. All other retained incumbents will be given status quo appointments effective May 23, 1986. These are appointments in the competitive service, but they confer no competitive status by themselves. Status quo appointees may be converted to career or career-conditional appointments, which confer competitive status, under one of three authorities:

- ° 5 CFR 315.701 -- To be eligible for noncompetitive conversion under this authority, retained incumbents must have at least 6 months of Federal civilian service immediately before the positions are brought into the competitive service. This prior service need not have been entirely in the position brought into the competitive service. Qualifying service

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may have been in any position or type of appointment. Noncompetitive conversions under 5 CFR 315.701 must be effected within 6 months after the register is established. Schedule B PAC service will be credited toward career tenure for employees converted under this authority.

- ° 5 CFR 315.704 -- Retained employees who do not qualify for conversion or whom the agency decides not to convert under 5 CFR 315.701 may be noncompetitively converted to career appointments after 3 years of substantially continuous status quo service. Their creditable service toward career tenure will begin with the date of their status quo appointments. While in status quo, the employees may be promoted or reassigned within their own department or agency; but they may not transfer to a different department or agency, nor may they be reinstated if they resign before attaining competitive status. Status quo appointees are in tenure group III for reduction in force.

- ° Competitive appointment from an appropriate register -- Because employees who are not converted under 5 CFR 315.701 will not be eligible for noncompetitive conversion for 3 years, agencies may wish to have those employees file in the new competitive examination when it is open and seek their certification for competitive appointments at their current grades, or may wish to seek their certification from the Mid-Level examination when they become eligible for appointment at GS-9. The requests for certification may be submitted at any time during the employees' status quo service. The employees may remain in their status quo appointments until they are reached for appointment from an appropriate register, or until they qualify for noncompetitive conversion under 5 CFR 315.704. The status quo appointments will begin these employees' creditable service for career tenure in either case.

5. A Notification of Personnel Action, Standard Form 50, need not be prepared to document retention in status quo of employees who will be converted to career or career-conditional appointment under 5 CFR 315.701. Appropriate remarks may be included in the SF 50 documenting the conversion action. Documentation of retention in status quo will be needed for employees who are not converted under 5 CFR 315.701. The attached chart consolidates instructions, from subchapters 9 and 10 of FPM Supplement 296-33, for documenting retention and conversion actions. The offices responsible for processing these actions may wish to retain the chart as a handy reference.

6. In determining whether employees meet the qualification requirements for the positions to be converted to the competitive service, agencies may apply inservice placement standards and may waive any written test that is required in the competitive examination. The key factor in deciding whether the employee will be converted to competitive status should be performance on the job, as reflected in evaluations of fully successful or higher. Exceptions to this condition may be made in cases where an employee's performance has improved since the last rating and is likely to be rated fully successful in the next evaluation.

7. Both those incumbents who are converted to competitive status and those retained in status quo will be eligible for promotion and reassignment to positions for which they qualify. The "add-on" rule may be applied in determining eligibility for promotion. Incumbents whose GS-1102-5/7 positions have known promotion potential above grade GS-7 may receive career ladder promotions without competing under merit promotion procedures. Thus, they will have been accorded the same rights, privileges, and opportunities that are accorded to incumbents of the same positions in the competitive service, as was provided in the Schedule B appointing authority. Because conversion

under 5 CFR 315.701 and retention in status quo are noncompetitive actions, the time-after-competitive-appointment restriction does not apply. Incumbents of GS-1102-5/7 positions need not wait 90 days before being promoted or reassigned. These actions may be effected at any time on or after May 23, 1986. Those incumbents who are converted to career or career-conditional appointments by certification from an appropriate competitive register will, however, be subject to the 90-day waiting period following their competitive appointments.



Constance Horner  
Director

Attachment



Follow the instructions below to document the Notifications of Personnel Action (SFs 50) for conversion to a competitive service appointment at either the same or a higher grade.

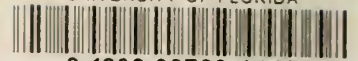
	IF	AND	THEN USE NATURE OF ACTION	AND LEGAL AUTHORITY	AND
1	Employee is eligible for reinstatement to a career-conditional appointment		541/Reins Career-Cond	KQM/Reg 315.401	Use FPM Supp. 296-33, Table 9-J, to select appropriate remark(s) to explain the action.
2	Employee is eligible for reinstatement to a career appointment		540/Reins-Career		
3	Employee is not eligible for reinstatement	Does meet the requirements of Reg 315.701 for career-conditional appointment	501/Conv to Career-Cond Appt	LLM/Reg 315.701	Enter in block 37 (remarks), "Retained under the authority of Reg 316.702." Use FPM Supp. 296-33, Table 9-J, to select any other remark(s) necessary to explain the action.
4		Does meet the requirements of Reg 315.701 for career appointment	500/Conv to Career Appt		
5		Does not meet the requirements of Reg 315.701 for career or career-conditional appointment	524/Conv to Appt-Status Quo	NMM/Reg 316.702	Use FPM Supp. 296-33, Table 10-I, to select appropriate remarks to explain the action.







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